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JC06 Rec'd PCT/PTO 25 AUG 2005 PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Alexander GOLITSCHKE EDLER VON ELBWARD, et al.
Application No.: 10/538,934
Filed: June 13, 2005
For: METHOD AND APPARATUS FOR TRANSMITTING DATA IN A
DIVERSITY COMMUNICATION SYSTEM EMPLOYING
CONSTELLATION REARRANGEMENT WITH QPSK MODULATION

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, DC 20231

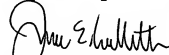
Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the references listed on the attached Form PTO 1449. The Benelli document is discussed in the present application on page 1, line 10, et seq. The Lin, et al. document is discussed in the present application on page 5, line 5, et seq. The year of publication of the Lin, et al. document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not in issue.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106.

Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

Respectfully submitted,



James E. Ledbetter
Registration No. 28,732

Date: August 25, 2005

JEL/ejw

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